

MNFRAME.040A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Liu, et al.)	Group Art Unit 2785
)	
Appl. No.	:	08/942,168)	
)	
Filed	:	October 1, 1997)	
)	
For	:	METHOD FOR)	
		AUTOMATICALLY)	
		REPORTING A SYSTEM)	
		FAILURE IN A SERVER)	
)	
Examiner	:	S. Baderman)	
)	

DECLARATION UNDER 37 C.F.R. § 1.131

1. This declaration is to establish the status of the invention in the above-captioned U.S. patent application in the United States on May 30, 1996, which is the effective date of U.S. Patent No. 5,815,652, entitled "COMPUTER MANAGEMENT SYSTEM", to Ote, et al. which was cited by the Examiner against the above-captioned application.

2. We are the named joint inventors of the described subject matter and all claims in the above-referenced application.

3. We have read the Office Action mailed December 13, 1999 (Paper No. 12) regarding the patent application.

4. We developed our invention as described and claimed in the subject application in this country, and acted with due diligence to reduce the invention to practice from at least May 30, 1996, as evidenced by the following events:

a. By at least May 30, 1996, we had conceived of a method of reporting a system failure in a server system, the method comprising detecting a system failure condition, transmitting failure information related to the failure condition to an independently functional system recorder, storing the failure information related to the failure condition in a system log, and reporting an occurrence of the failure condition.

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b. Our conception and subsequent inventive activity leading to at least a constructive reduction to practice of an embodiment of the present invention is evidenced by the following:

c. By at least May 30, 1996, we had conceived of using a network of microcontrollers as the monitoring and control hardware of the subject invention. A document, entitled "Raptor Wire Service Architecture, Version 1.2" ("Wire Architecture"), was written at least as early as March 19, 1996, as evidenced by the document date. A copy of Wire Architecture is attached as **Exhibit A**. Wire Architecture describes detecting a system failure condition (CPU A and/or CPU B controller shown on figure on page 1; "If any data temperature exceeds limit and WS_SYS_OVERTMP is clear, set WS_SYS_OVERTEMP, . . . log WS_SYS_TEMP_SHUT", p. 33); transmitting failure information related to the failure condition to an independently functional system recorder (system recorder shown in Figure 1; "[t]he processors are Microchip PC processors. . . Each processor can either be a master or a slave and can control resources on itself or any other processor on the bus", p. 1), storing the failure information related to the failure condition in a system log (NVRAM shown in Figure 1 and connected to system recorder), and reporting an occurrence of the failure condition ("If any data temperature exceeds limit and WS_SYS_OVERTMP is clear, set WS_SYS_OVERTEMP, send a TEMPERATURE event to the system and remote interfaces, log WS_SYS_TEMP_SHUT", p. 33).

d. We had conceived of a control diagnostic and monitor subsystem for a server system. A document, entitled "Raptor System: A Bird's Eye View, Version 0.99", was written at least as early as November 2, 1995, as evidenced by the document date. A copy of the cover page, and pages 8 and 9 of document is attached as **Exhibit B**. Page 8, describes a system to monitor and manage specific functions of the first computer through a Control Diagnostic and Monitor (CDM) subsystem implemented by distributed CDM microprocessors connected to an I²C serial (CDM) bus. The CDM can supervise and manage selected environmental conditions externally from a remote second computer via the CDM bus and communication lines. Examples of monitored and managed environmental conditions of a computer are fan speed, the temperatures of the motherboard, and of the backplane. As is described on pages 8 and 9, the CDM subsystem supervises the log of all system events.

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5. I, Karl S. Johnson, am listed as an inventor on provisional Patent Application Nos. 60/046,397, 60/047,016, 60/046,416, each filed May 13, 1997, which each are priority applications for the subject application.
6. We are the listed inventors on the subject regular patent applications filed on October 1, 1997.
7. All acts leading to the reduction of practice were performed in the United States.
8. This declaration is submitted prior to a final rejection.

Penalty of Perjury Statement

We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent resulting therefrom.

Dated: MARCH 31, 2000

By: Karl S. Johnson
Karl S. Johnson

Dated: _____

By: _____
Ji-Whan Liu

Dated: _____

By: _____
Ken Nguyen

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Dated: _____

By: _____
Karl S. Johnson

Dated: 3-24-2000

By: Ji-Whan Liu
Ji-Whan Liu

Dated: _____

By: _____
Ken Nguyen

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